IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELATE CIVIL JURISDICTION

WRIT PETITION NO.7105 OF 2004

Maharashtra Rajya Suraksha Rakshak
& General Kamgar Union d ..Petitioner

Vs.

Nashik Zilla Suraksha Rakshak Mandal
Nashik & Ors. ..Respondents

Ms.Ranjana Todankar i/b. Mr. S.S.Pakale for Petitioner
Mr.R.D.Surana for Respondent no.3

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 17TH FEBRUARY, 2005.

P.C.

. Rule. Heard forthwith.

. Though Respondents 1 and 2 have been served they have not appeared before this Court. Respondent No.3 has appeared and filed affidavit.

. The case of the Petitioner is that the Respondent No.2 is not registered with Respondent No.1, but continues to employ Security Guards who are not registered with Respondent no.1. Considering the provisions of Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981.

. The case of Respondent no.3 is that they

have been exempted under Section 23. On perusal of the notification dated 23rd September, 2004 it is clear that exemption has been given to the guards employed with the employers set out in Schedule-I. The name of Respondent no.2 is not included in the said Schedule. In other words the Respondent no.2 continues to employ Security Guards, in violation of the provisions of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981. Considering the above the following order:-

. The guards working with Respondent No.2 to apply to Respondent No.1 for registration. Those whose names are included in the notification dated 23rd September, 2004 should apply for considering their names before applying for registration. Respondent no.2 is directed to apply for registration with Respondent No.1. In the mean time the guards working with Respondent no.2 to be continued till such time they are registered and Respondent no.1 as far as possible to allot the said guards to Respondent no.2.

. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)